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OFFICE OF PETITIONS

In re Application of :
Timothy Coleman :
Application No. 09/921,143 : LETTER REGARDING
Filed: August 3, 2001 : PATENT TERM ADJUSTMENT
Atty Docket No. 1488.100000N :
/HCC/PAC :

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed October 14, 2005. Applicant requests that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from two hundred eighty-two (282) days to four hundred three (403) days.

On July 15, 2005, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 282 days. On October 14, 2005, applicant timely¹ submitted the instant application for patent term adjustment.

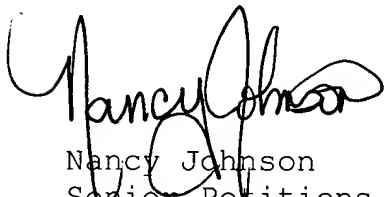
However, prior to a decision on the application for patent term adjustment being rendered, on April 21, 2006, applicant filed a petition to withdraw from issue along with a request for continued examination (RCE). By decision mailed April 21, 2006, the withdrawal from issue was granted. Prosecution was reopened.

¹ PALM records indicate that the Issue Fee payment was received in the Office on October 14, 2005.

In view thereof, a decision is being **held in abeyance** until after the mailing of any new Notice of Allowance and the filing (or resubmission) of any application for patent term adjustment under 37 CFR 1.705(b). A new determination of patent term adjustment will accompany any new Notice of Allowance and will include any further adjustments or reductions accrued to date. Applicant must submit a timely application for patent term adjustment in response to any new Notice of Allowance. An application for patent term adjustment under 37 CFR 1.705(b) is properly filed after the mailing of the Notice of Allowance on which the application issues and prior to payment of the issue fee (or a request for reapplication of the issue fee) in response to that Notice. A copy of this decision should accompany the application for patent term adjustment, along with a request to apply the fee set forth in 37 CFR 1.18(e) paid on October 14, 2005.

Technology Center AU 1636 has been advised of this decision. The application is, thereby, forwarded to the Technology Center for consideration of the RCE by the examiner.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", is written over the typed name and title.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions
Office of Deputy Commissioner
for Patent Examination Policy